

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

ALVIA LACY,

*

Plaintiff,

*

v.

*

Case No. 1:06-CV-00068-JJF

NATIONAL RAILROAD PASSENGER
CORPORATION,

*

*

Defendant.

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* * * * *

**DEFENDANT NATIONAL RAILROAD PASSENGER
CORPORATION’S MOTION FOR SUMMARY JUDGMENT**

Defendant, National Railroad Passenger Corporation (“Amtrak”), by and through its undersigned counsel, moves this Court, pursuant to Fed. R. Civ. P. 56, to enter summary judgment in its favor on all claims of Plaintiff’s Complaint. The material facts are undisputed and Defendant is entitled to judgment as a matter of law on Plaintiff’s Title VII claims of race and sex discrimination, and retaliation, because several of Plaintiff’s claims are untimely and, for those claims that are not untimely, Plaintiff cannot establish a *prima facie* case. Even if she could establish a *prima facie* case, however, Amtrak had a legitimate non-discriminatory reason for not promoting Plaintiff, which was not a pretext for either intentional race or sex discrimination.

WHEREFORE, summary judgment should be awarded in favor of Defendant and against Plaintiff. Defendant further requests that the Court award Defendant its costs and attorneys’ fees, and such further relief as the Court deems appropriate. In support of this Motion,

the Court's attention is respectfully invited to the Opening Brief in Support of Defendant's Motion for Summary Judgment and supporting exhibits, all filed herewith.

Respectfully submitted,

-s- Virginia A. Zrake

Virginia A. Zrake (Del. Bar No. 4054)
LAW OFFICE OF VIRGINIA A. ZRAKE, LLC
Northern Steel Business Center
34382 Carpenters Way
P.O. Box 247
Lewes, Delaware 19958
Tel: (302) 644-6770

-s- Darrell R. VanDeusen

Darrell R. VanDeusen (admitted *Pro Hac Vice*)
Clifton R. Gray (admitted *Pro Hac Vice*)
KOLLMAN & SAUCIER, P.A.
The Business Law Building
1823 York Road
Timonium, Maryland 21093
Tel: (410) 727-4300

Counsel for Defendant
National Railroad Passenger Corporation

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 7th day of December, 2006 a copy of the foregoing Motion for Summary Judgment, Opening Brief in Support, and proposed Order, were mailed, first class, postage prepaid to Ms. Alvia Lacy, 1306 Jervis Square, Belcamp, Maryland 21017, Plaintiff *pro se*.

-s-

Virginia A. Zrake

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* * * * *

ORDER

WHEREAS, the Court having considered Defendant's Motion for Summary Judgment and the arguments of both parties related thereto, and the Court finding no material issues of fact and that Defendant is entitled to judgment in its favor,

NOW, THEREFORE, Defendant's Motion is hereby GRANTED and judgment shall be entered in Defendant's favor on all claims of the Complaint.

The Honorable Joseph J. Farnan, Jr.
United States District Court Judge